



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,541	01/18/2002	Koji Chida	218201US2	6032
22850	7590	08/12/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			JASMIN, LYNDIA C	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

11

## Office Action Summary

Application No.

10/050,541

Applicant(s)

CHIDA ET AL.

Examiner

Lynda Jasmin

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with errors. Some examples follow:

- a. Claims 1-30 recites "a quantitative competition method" however, the claims are not written is proper steps to carry out the claimed method.
- b. In claim 1, the recitation "the minimum one", "the range of predetermined lower-limit and upper-limit", "said minimum value  $W_{MIN}$ ", "said intended value  $V_{vi}$ " etc., lack proper antecedent basis.
- c. Further, the recitation "those elements  $s_{i,w}$ " and "those elements  $t_{i,w}$ " have not been positively set forth.
- d. In claim 3, the recitation decides the presence or absence of a user" lacks proper antecedent basis.
- e. In claim 11, the recitation "the maximum one", "the range of predetermined lower-limit and upper-limit", "said maximum value  $W_{MAX}$ ", "said intended value  $V_{vi}$ " etc., lack proper antecedent basis.
- f. Same errors noted in the remaining claims.

***Allowable Subject Matter***

3. Claim 1-30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

4. The following is a statement of reasons for the indication of allowable subject matter: The prior art made of record fails to teach or suggest the step where first quantitative competition apparatus: extracts, for a given value  $V_w$  equal to or larger than said lower-limit value  $V_1$  and equal to or smaller than said upper-limit value, those elements  $s_{i,w}$  of said M-element sequences of information  $s_i$  sent from said all user apparatuses which correspond to  $w$ ; and generates an element concatenation  $Seq_{s,w}=s_{1,w}||s_{2,w}|| \dots ||s_{N,w}$  in which said extracted elements  $s_{i,w}$  are arranged in a predetermined order, said  $||$  representing the concatenation of data, and where second quantitative competition apparatus; extracts, for said given value  $V_w$ , those elements  $t_{i,w}$  of said M-element sequences of information  $t_i$  sent from said all user apparatuses which correspond to said value  $w$ ; and generates an element concatenation  $Seq_{t,w}=t_{1,w}||t_{2,w}|| \dots ||t_{N,w}$  in which said extracted elements  $t_{i,w}$  are arranged in a predetermined order in combination with allowing each user to identify user  $j$  who committed the minimum/maximum intended value  $V_{MIN} / V_{MAX}$  by finding  $j$  which satisfies  $s_{j,MIN} \neq t_{j,MIN} / s_{j,MAX} \neq t_{j,MAX}$  of the corresponding elements in said element concatenations  $Seq_{s,MIN}$  and  $Seq_{t,MIN} / Seq_{s,MAX}$  and  $Seq_{t,MAX}$  as recited in both independent claims 1 and 11.

***Conclusion***


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goino (2001/0056396 A1) discloses an auction method in which competition is made with some numerical value other than the price. Rossides (6,443,841 B1) discloses a system and method where user's bet are compared with a collection of bets that shared to the same bet statement and where bets are kept secret regardless of the bet price range. EP 1 071 025 A2 discloses quantitative competition having a plurality of participant devices send their secret aimed values to a server device.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 8/6/04  
Lynda Jasmin  
Primary Examiner  
Art Unit 3627

lj